

January 23, 2006

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session on Monday, January 23, 2006 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Key, Councilors Records, Kelley, Woods, Irving, Lyon and Youth Representative Potts. Staff members present were Assistant City Manager Linda Hall, Public Works Superintendent Trainee Dave Bradshaw and Police Chief Mike Gallaher. Citizens present were Merle Sherman and Teresa Yaeger. Councilor Humbert was absent.

Press member present was Melanie Hall from the Valley Herald.

CONSENT CALENDAR ITEMS: The consent calendar consisted of minutes from the January 9, 2006 council meeting and approval of a liquor license for the new owners, Juan and Luz Castellan, of the previous La Casita Restaurant, which name will change to La Ramada Mexican Restaurant. Councilor Kelley motioned to adopt the consent calendar. Councilor Woods seconded the motion which passed unanimously.

NEW BUSINESS

PUBLIC HEARING/FINDINGS OF FACT and ORDINANCE NO. 932 Amendment to the Urban Growth Boundary.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared.

Mayor Key asked if notice of hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that there is a letter from Umatilla County's Planning Director Tamra J. Mabbott which is in favor of the proposal, and another letter from Oregon State Department of Transportation's District 12 Manager George Ruby that is also in support of the proposal.

City Planner Gina Hartzheim stated that a request was initially received from Vern Rodighiero to include his property bordering North Elizabeth Street within the Urban Growth Boundary, and that the comprehensive plan map designation be amended from Exclusive Farm Use to Commercial. In order to allow for an exchange of land, rather than being required to address the requirements for an Urban Growth Boundary expansion, staff targeted an area of land within the Urban Growth Boundary that was highly unlikely to be utilized for development in the future. The initial hearing was scheduled before the Planning Commission, and upon receiving notice of the Planning Commission hearing, ODOT advised the City that because of the close proximity of the property to Highway 11, a change to a commercial designation would require compliance with certain sections of the Transportation Planning Rule (a very comprehensive set of statewide rules that apply to all modes of transportation). In this particular case, ODOT indicated that a Traffic Impact Study by a registered transportation engineer would be required prior to approval and as a condition of

the map amendment. Because of the cost associated with the Study, and the fact that there is no immediate plans whatsoever for development of the property at this time, applicant withdrew his request for the map amendment in order to proceed in a timely manner with the Urban Growth Boundary amendment. At the time that a map amendment is again considered, the City has received indications from the Governor's Office that the Economic Revitalization Team can address any anticipated transportation impacts as it relates to the Transportation Planning Rule in a fashion that will allow the map amendment to proceed. The public hearing on the proposed amendment to the Urban Growth Boundary did proceed and was held by the Planning Commission on December 5, 2005. No testimony was given in opposition to the proposal and no one spoke in opposition to the proposal at the time of the hearing, and the Planning Commission unanimously recommended the adoption of the amendment.

Ms. Hartzheim also stated she would submit the Planning Commission staff report into record as follows:

APPLICANT: Vern Rodighiero

ISSUE

Public hearing on request for inclusion of approximately 18 acres into the City's urban growth boundary located west of North Elizabeth Street, more particularly described as Umatilla County Assessor's Map No. 6N3536C, Tax Lots 900, 1000 and 1100. Also considered will be the removal of approximately 26 acres of the westerly portion of Umatilla County Assessor's Map No. 5N3501 Tax 100 located south of Eastside Road, and at the eastern edge of the urban growth boundary. The attached map details the areas considered for deletion and addition.

BACKGROUND

Applicant has submitted a request to include property owned by him in the City's urban growth boundary. In reviewing the proposal, staff has recommended that a portion of property located along the eastern boundary of the urban growth boundary be removed.

COMPREHENSIVE PLAN PROVISIONS

Applicable Comprehensive Plan provisions relating to this request are listed below.

Goal 3 AGRICULTURAL LANDS

Goal 9 ECONOMY

Goal 14 URBANIZATION

Goal 3 - Agricultural Lands: Exception to Goal 3:

As noted in the Comprehensive Plan, the City has included within its urban growth boundary land suitable for agricultural use. The present City limits [and surrounding urban growth boundary] is presently in agricultural use or suitable for agricultural use.

Findings: The southerly parcel of the subject property is located in between lands presently within the City limits, and the northerly parcel is adjacent to the land within the current Urban Growth Boundary. As explained in the acknowledged Comprehensive Plan, the City is surrounded by land in agricultural use. No matter which direction the City grows, at some point agricultural land will be utilized for urban expansion. This fact has previously been noted in the exception to Goal 3 the City took at the time of initial acknowledgment. The relatively small size of the acreage involved results in a net addition of 8 acres of agricultural land to the existing Urban Growth Boundary. Although the land being added to the UGB is agricultural land, the land being deleted is agricultural in nature as well. In addition, the amount of land being removed is greater than what is being added, and therefore a greater amount of agricultural land is being protected as a result. With regard to soil classification, according to the Soil Survey of Umatilla County, Oregon the land proposed to be added (Freewater very cobbly loam) is considered a lower classification (Class IV) as the land proposed for removal (Oliphant silt loam) which is a Class II. (The higher the number the better the soil). Although the proposed revisions have included agricultural land, there does not exist sufficient land adjacent to the City that is not suitable and being used for agricultural purposes, and the Planning Commission finds that the proposed revisions reduce the amount of land being included that is in agricultural use and a higher class of soil, as well as increase the ability to serve and develop land contained within the Urban Growth Boundary.

Goal 14 - Urbanization: 14-3(2) Establish and Change the Urban Growth Boundary Based on the Following Factors:

The proposal will not result in an expansion of the Urban Growth Boundary, and will actually result in a reduction in acreage. The seven factors of Goal 14 relating to change in the Urban Growth Boundary are discussed below, however, to show that there is no negative impact with regard to those factors.

a. Demonstrated need to accommodate long-range urban population growth requirements consistent with Land Conservation and Development Commission Statewide Goals.

Findings: Inclusion of the subject property in the urban growth boundary is not based on acknowledged population growth since at the time of the inclusion of the land there would also be a withdrawal of land resulting in a net reduction of land in the urban growth boundary. The 1998 revision to the urban growth boundary reduced the amount of acreage by approximately 300 acres. The acknowledged Plan shows a need of approximately 1545 acres for the 20 year supply of land. As the proposed revisions do not increase the amount of acreage, and actually reduce the amount by 8 acres, the proposal is found to be in compliance with this section.

b. The need for housing, employment opportunities and livability.

Findings: The proposed revisions allow additional acreage to be added for development. This additional land could improve the supply of commercial land, but will also will provide a large enough piece of property to allow for varied development opportunities that do not currently exist within some of the other areas in the urban growth boundary. The subject property would also fall within one of the two areas (land west of Highway 11 and south of existing City limits) that are required to be developed prior to allowing development into the third area (east of the

Walla Walla River). The subject property is in close proximity to the commercial land to the north that is already committed, and by redevelopment and infill of the subject property and adjoining commercially zoned lands, additional employment opportunities could be created as well. No open space is being compromised by the proposed elimination of land from the UGB. There are no parks located within the area proposed to be deleted.

c. Orderly and economic provision for public facilities and services.

Findings: The subject property borders the current City limits on two sides, to the west and to the north, which in and of itself would allow an orderly extension of public facilities and services to the subject property. In addition, there is an established water quality issue for lands north of the present City limits, and by the inclusion of this land in the urban growth boundary, it would allow an opportunity for extension of City water and sewer to the north, which could then in the future benefit other property owners within the area already within the urban growth boundary. By removing the strip of land east of the Walla Walla River, which is unlikely to develop during the 20 year planning period, if at all, a more orderly urban growth boundary will be created and will be more easily served by City services.

d. Maximum efficiency of land uses within and on the fringe of the existing urban area

Findings: The City will be reducing the UGB by approximately 8 acres. The area proposed for deletion is on the eastern edge of the UGB, and across the Walla Walla River. The land proposed to be included is located directly adjacent to land already in the existing UGB, and actually a portion of the land is adjacent to the existing City limits. Because of the constraints on the land being proposed for deletion, more efficient use should be accomplished by the proposed amendment. By doing so, increased density should be accomplished within the UGB, thereby enhancing the efficiency of the land use.

e. Environmental, energy, economic, and social consequences.

Findings: There does not appear to be any negative environmental issues existing on the subject property. The property is not located in a flood plain and no potential wetlands exist on the property. The property can be efficiently and conveniently served by the extension of city services. No negative social consequences would result from the change in the Urban Growth Boundary, as the change would promote a more compact Urban Growth Boundary. The proposed change will improve the economic opportunities within the Urban Growth Boundary. The Planning Commission finds this criteria has been satisfied.

f. Retention of agricultural land.

Findings: See findings for Goal 3 – Agricultural Lands above. Those findings are incorporated by reference into this section.

g. Compatibility of the proposed urban uses with nearby agricultural activities.

Findings: The land proposed to be added will retain its zoning designation of Exclusive Farm use, which would eliminate potential problems and conflicts that can result from different land uses bordering agricultural uses.

GENERAL COMMENT

The subject property is located in an area that could easily be served by City utilities, is in close proximity to Hwy. 11, and is of a sufficient size to allow for many different types of development. The inclusion of the property in the Urban Growth Boundary will allow applicant future development opportunities that are not present at this time, and if development occurs, will allow for economic growth in the City.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommended approval of the proposed amendment to the urban growth boundary, with the requirement that at the time of any future zone change on the subject property a traffic analysis will be provided as required by the Transportation Planning Rule.

Mayor Key asked if Council had any questions. Councilor Lyon asked what effect the inclusion of this property would have on the tax base. Ms. Hartzheim stated the inclusion of this property would not have an impact on the current tax base because the property will retain its Exclusive Farm Use (EFU). Assistant City Manager Linda Hall clarified this saying the City would not receive revenues from this property until which time it was annexed into the City. Councilor Irving asked if the property were sold or developed in the future, if there were any provisions stating that the cost of developing infrastructure would be their burden. Ms. Hartzheim stated that typically the developer pays the cost to extend infrastructure.

Mayor Key invited all those supporting the application to speak. There were none.

Mayor Key invited all those in opposition of the application to speak. There were none.

Mayor Key asked Council if any had additional questions. There were none.

Mayor Key declared the hearing closed.

Councilor Kelley moved to adopt the Findings of Fact relating to adoption of amendments to the Urban Growth boundary. Councilor Records seconded the motion and roll call vote was taken. Councilor Lyon, yea, Councilor Irving, yea, Councilor Woods, yea, Councilor Kelley, yea, Councilor Records, yea, Youth Representative Shalee Potts, yea.

Councilor Kelley moved Ordinance No. 932, be introduced by title only and full reading waived. Councilor Woods seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Irving, yea, Councilor Woods, yea, Councilor Kelley, yea, Councilor Records, yea

and Youth Representative Shalee Potts, yea. Motion carried unanimously. The Assistant City Manager then read the ordinance by title only. Councilor Kelley moved for a second reading of Ordinance No. 932 by title only and full reading waived. Councilor Woods seconded and roll call vote was taken. Councilor Lyon, yea, Councilor Irving, yea, Councilor Woods, yea, Councilor Kelley, yea, Councilor Records, yea and Youth Representative Shalee Potts, yea. The Assistant City Manager read the ordinance by title only. Councilor Kelley moved to adopt Ordinance No. 932, Councilor Woods seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Irving, yea, Councilor Woods, yea, Councilor Kelley, yea, Councilor Records, yea and Youth Representative Shalee Potts, yea.

RESOLUTION NO. 2008 Declaring Property To Be Surplus. Electric Superintendent Mike Charlo stated that as in past discussions regarding the two power transformers at Milton substation, one began to fail and staff will be receiving bids Friday, January 27th on one large transformer to replace the two small transformers. The issue before Council is to declare the two small transformers as surplus to enable staff to request bids for a disposal contractor to take the small transformers and salvage or dispose of them. Staff would require the contractor to dispose and transport everything in a legal and proper manner. There is some interest in the transformers. They are worth approximately \$9,000 to \$10,000 for their materials to the salvage contractors. Staff will attempt to have them removed by March 1st, which will require crews to dismantle them at the substation the middle of February.

Mayor Key asked for clarification for the length of time the City will be reduced to one substation. Mr. Charlo said from the shut-down will be from mid-February to fall. Councilor Lyon asked if it would be fall before the new transformer arrived. Mr. Charlo said yes, about October as it takes several months to build a transformer. Councilor Lyon asked why the disposal of the small transformers was occurring so early. Mr. Charlo stated that there are two transformers currently on concrete foundations along with the buss work above them that handles the electricity. All of this must be removed, site cleaned, and a new concrete foundation and an oil containment system under the foundation must be done in preparation of the arrival of the new transformer. Mayor Key asked if this preparatory work would be done by the electric crews or if public works crews would be involved. Mr. Charlo said that electric crews as well as public works crews would be involved.

Councilor Woods moved to adopt Resolution No. 2008, Declaring property to be surplus. Councilor Kelley seconded the motion which passed unanimously.

Mayor Key announced this was the opportunity for citizens to approach the council with issues not on this agenda. None approached.

MANAGER'S REPORT

No report in the City Manager's absence.

Police Chief Mike Gallaher announced that Police Officer Robert Guerrero and Val went to Pendleton to be tested. They tested with 8-9 other teams, testing in all phases of patrol tracking, handler protection and narcotic protection. Our canine unit received the highest score of all the teams tested. Congratulations to Officer Guerrero and Val!

COUNCIL ANNOUNCEMENTS

Councilor Irving asked Assistant City Manager Linda Hall for an update on the activity in Yantis Park. Ms. Hall said she was assuming the tree-cutting activity at the park was to

make way for construction of new Recreation Trail. Mayor Key stated he had had telephone calls from citizens expressing concerns about the tree removal.

Councilor Woods announced he had been to a Watershed Council meeting, which council members should receive the minutes. There was also a Water Alliance meeting where it was discussed whether the Water Alliance should continue further. Councilor Woods said he would be sending information to councilors regarding Washington's water goals as well as the Tribes. Councilor Woods further stated that a Water Center will be established at Walla Walla Community College which will act as a clearing house of all the entities involved with water issues. They will gather all the reports generated by cities, counties, water districts, etc. and will also offer technical training to teach how to implement the various programs developed by all the entities.

Councilor Kelley announced she had attended the Pioneer Posse meeting where she received pictures given to the City from the previous court. She thought there may be a place in the lobby where these pictures could be displayed. Pioneer Posse court members were very grateful to the City as were it not for the funds provided by the City, the court would not have been able to meet their travel schedule.

There being no further business, the meeting was adjourned at 7:31 p.m.

Lewis S. Key, Mayor